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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,512	04/09/2001	Richard L. Schwartz	073612.0106	6721

31625 7590 03/16/2006		EXAMINER
BAKER BOTTS L.L.P.		PHAM, THOMAS K
PATENT DEPARTMENT		
98 SAN JACINTO BLVD., SUITE 1500	ART UNIT	PAPER NUMBER
AUSTIN, TX 78701-4039	2121	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 March 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1.   This action is in response to the Request for Continued Examination filed on 03/01/2006.

2.   Claims 1-30 are pending.

Quotations of U.S. Code Title 35

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

7.   Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No.

5,978,770 ("Waytena").

Regarding claim 1

Waytena teaches a method for facilitating mediated virtual communication, comprising:

- receiving, by a mediation system from a mediation subscriber communication device, a

   service reservation selection (see Col. 1 line 11, "managing reservation"), the service

   reservation selection identifying a service action selected by a mediation subscriber from

   a plurality of service actions ("attractions") displayed to the mediation subscriber by the

   mediation subscriber communication device (see Col. 3 lines 11-12, "... requesting a

   reservation for a particular attraction");

- determining, by the mediation system, a context associated with the service reservation

   selection (see Col. 3 lines 13-17, "... determine ... the reservation can be

   accommodated"), the context comprising information regarding the availability of the

   mediation subscriber (see Col. 24 lines 29-37) **and historical information and**

   behavioral information associated with the mediation subscriber (see Col. 20 lines

   51-57, "the patron's past behavior"); and

- in response to determining the context associated with the service reservation selection,

   determining, by the mediation system, a plurality of contextual arrangement options

   regarding the service action selected by the mediation subscriber (option to "elects" or

   "rejects" a proposed reservation time), at least one of the plurality of contextual

arrangements options being determined based on the determined context associated with the service reservation selection (see col. 3 lines 17-27).

Regarding claim 15

Waytena teaches a computer program product, comprising: a computer program processable by a data processor to implement a mediation system; and an apparatus from which the computer program is accessible by the data processor; the computer program capable of enabling the mediation system to:

- receive, by a mediation system from a mediation subscriber communication device, a service reservation selection (see Col. 1 line 11, "managing reservation"), the service reservation selection identifying a service action selected by a mediation subscriber from a plurality of service actions ("attractions") displayed to the mediation subscriber by the mediation subscriber communication device (see Col. 3 lines 11-12, "... requesting a reservation for a particular attraction");

- determine, by the mediation system, a context associated with the service reservation selection (see Col. 3 lines 13-17, "... determine ... the reservation can be accommodated"), the context comprising information regarding the availability of the mediation subscriber (see Col. 24 lines 29-37) **and historical information and behavioral information associated with the mediation subscriber (see Col. 20 lines 51-57, "the patron's past behavior");** and

- in response to determining the context associated with the service reservation selection, determining, by the mediation system, a plurality of contextual arrangement options regarding the service action selected by the mediation subscriber (option to "elects" or

"rejects" a proposed reservation time), at least one of the plurality of contextual arrangements options being determined based on the determined context associated with the service reservation selection (see col. 3 lines 17-27).

Regarding claim 29

Waytena teaches a system for facilitating mediated virtual communication, comprising: a mediation system connected to a data packet network and to a voice network, the mediation system being capable of:

- receiving, by a mediation system from a mediation subscriber communication device, a service reservation selection (see Col. 1 line 11, "managing reservation"), the service reservation selection identifying a service action selected by a mediation subscriber from a plurality of service actions ("attractions") displayed to the mediation subscriber by the mediation subscriber communication device (see Col. 3 lines 11-12, "... requesting a reservation for a particular attraction");

- determining, by the mediation system, a context associated with the service reservation selection (see Col. 3 lines 13-17, "... determine ... the reservation can be accommodated"), the context comprising information regarding the availability of the mediation subscriber (see Col. 24 lines 29-37) **and historical information and behavioral information associated with the mediation subscriber (see Col. 20 lines 51-57, "the patron's past behavior"); and**

- in response to determining the context associated with the service reservation selection, determining, by the mediation system, a plurality of contextual arrangement options regarding the service action selected by the mediation subscriber (option to "elects" or

"rejects" a proposed reservation time), at least one of the plurality of contextual

arrangements options being determined based on the determined context associated with

the service reservation selection (see col. 3 lines 17-27).

Regarding claim 11

Waytena teaches a method for facilitating mediated virtual communication, comprising:

- receiving, by a mediation system from a mediation subscriber communication device, a

  service reservation selection (see col. 1 line 11, "managing reservation"), the service

  reservation selection identifying a service action selected by a mediation subscriber from

  a plurality of service actions ("attractions") displayed to the mediation subscriber by the

  mediation subscriber communication device (see col. 3 lines 11-12, "... requesting a

  reservation for a particular attraction");

- determining, by the mediation system, a context associated with the service reservation

  selection (see col.   3 lines 13-17, "... determine ... the reservation can be

  accommodated"), the context comprising information regarding the availability of the

  mediation subscriber (see Col. 24 lines 29-37) **and historical information and**

  behavioral information associated with the mediation subscriber (see Col. 20 lines

  51-57, "the patron's past behavior"); and

- preparing, by the mediation system, a plurality of contextual arrangement options in

  response to determining the context (options to "elects" or "rejects" a proposed

  reservation time);

- transmitting the plurality of contextual arrangement options for reception by the mediation subscriber communication device (see col. 3 lines 17-20, "A proposed reservation time ... transmitted back to the PCD ...");

- receiving, by the mediation system from the mediation subscriber communication device, a selected one of the contextual arrangement actions prepared by the mediation system (see col. 3 lines 20-27, "... patron elects ... patron rejects ...");

- facilitating, by the mediation system and with a service management system, a mediated follow-through operation based at least partially on the selected one of the contextual arrangement actions for generating a mediated service commitment (see col. 3 lines 39-46, "When a reserved time is approaching ... alerts the patron ... a sensor detects the patron's entry, ..."); and

- updating a mediated commitment data set to include the mediated service commitment (see col. 3 lines 48-52, "updates the stored virtual queue ...").

Regarding claim 25

Waytena teaches a computer program product, comprising: a computer program processable by a data processor to implement a mediation system; and an apparatus from which the computer program is accessible by the mediation subscriber communication device; the computer program capable of enabling the mediation system to:

- receive, by a mediation system from a mediation subscriber communication device, a service reservation selection (see col. 1 line 11, "managing reservation"), the service reservation selection identifying a service action selected by a mediation subscriber from a plurality of service actions ("attractions") displayed to the mediation subscriber by the

mediation subscriber communication device (see col. 3 lines 11-12, "... requesting a reservation for a particular attraction");

- determine, by the mediation system, a context associated with the service reservation selection (see col. 3 lines 13-17, "... determine ... the reservation can be accommodated"), the context comprising information regarding the availability of the mediation subscriber (see Col. 24 lines 29-37) **and historical information and behavioral information associated with the mediation subscriber (see Col. 20 lines 51-57, "the patron's past behavior")**; and

- prepare, by the mediation system, a plurality of contextual arrangement options in response to determining the context (options to "elects" or "rejects" a proposed reservation time);

- transmit the plurality of contextual arrangement options for reception by the mediation subscriber communication device (see col. 3 lines 17-20, "A proposed reservation time ... transmitted back to the PCD ...");

- receive, by the mediation system from the mediation subscriber communication device, a selected one of the contextual arrangement actions prepared by the mediation system (see col. 3 lines 20-27, "... patron elects ... patron rejects ...");

- facilitate, by the mediation system and with a service management system, a mediated follow-through operation based at least partially on the selected one of the contextual arrangement actions for generating a mediated service commitment (see col. 3 lines 39-46, "When a reserved time is approaching ... alerts the patron ... a sensor detects the patron's entry, ..."); and

Regarding claims 2 and 16

Waytena teaches transmitting the plurality of contextual arrangement options for reception by the mediation subscriber communication device (col. 3 lines 17-20, options to "elects" or "rejects" a proposed reservation time).

Regarding claims 3 and 17

Waytena teaches receiving, by the mediation system from the mediation subscriber communication device, a selected one of the contextual arrangement actions (see col. 3 lines 20-27, "... patron elects ... patron rejects ..."); and facilitating, by the mediation system and with a service management system, a mediated follow-through operation based at least partially on the selected one of the contextual arrangement actions for generating a mediated service commitment (see col. 3 lines 39-46, "When a reserved time is approaching ... alerts the patron ... a sensor detects the patron's entry, ...").

Regarding claims 4, 18 and 26

Waytena teaches updating a mediated commitment data set to include the mediated service commitment (see col. 3 lines 48-52, "updates the stored virtual queue ...").

Regarding claims 5, 19 and 27

Waytena teaches wherein facilitating the mediated follow-through operation includes: determining a plurality of service providers (see FIG. 1 "plurality of attraction computers"); transmitting the plurality of service providers for reception by the mediation subscriber communication device (see col. 14 lines 13-20); and receiving, from the mediation subscriber communication device, a selected one of the plurality of service providers (see col. 14 lines 36-38, "... selects one of the attractions ...").

Regarding claims 6, 20 and 28

Waytena teaches wherein facilitating the mediated follow through operation includes: establish a computer network connection between the mediation system and the service management system (see col. 3 lines 49-55); and perform the mediated follow-through operation with the service management system via the computer network connection ("wireless communication network").

Regarding claims 7 and 21

Waytena teaches receive, by the mediation system, confirmation information from the service management system after performing the mediated follow-through operation (see col. 3 lines 49-55).

Regarding claims 8 and 22

Waytena teach update a mediation subscriber profile to include said confirmation information (see col. 9 lines 21-23).

Regarding claims 9 and 23

Waytena teaches provide a confirmation including at least a portion of said confirmation information to the mediation subscriber (see col. 9 lines 28-32).

Regarding claims 10 and 24

Waytena teaches updating the mediation subscriber profile includes updating at least one data set associated with the mediation subscriber profile (see col. 13 lines 55-60).

Regarding claim 13

Waytena teaches receiving, by the mediation system, confirmation information from the service management system after performing the mediated follow-through operation (see col. 18 lines 38-45); updating a mediation subscriber profile to include said confirmation information (see col.

9 lines 12-15); and providing a confirmation including at least a portion of said confirmation information to the mediation subscriber (see col. 9 lines 21-32).

Regarding claim 14

Waytena teaches updating the mediation subscriber profile includes updating at least one data set associated with the mediation subscriber profile (see col. 13 lines 55-60).

Regarding claims 5, 19 and 27

Waytena teaches wherein facilitating the mediated follow-through operation includes: determining a plurality of service providers; transmitting the plurality of service providers for reception by the mediation subscriber communication device; and receiving, from the mediation subscriber communication device, a selected one of the plurality of service providers.

Regarding claim 12

Waytena teaches wherein facilitating the mediated follow-through operation includes: determining a plurality of service providers (see FIG. 1 "plurality of attraction computers"); transmitting the plurality of service providers for reception by the mediation subscriber communication device (see col. 14 lines 13-20); receiving, from the mediation subscriber communication device, a selected one of the plurality of service providers (see col. 14 lines 36-38, "... selects one of the attractions ..."); establishing a computer network connection between the mediation system and the service management system (see col. 3 lines 49-55); and performing the mediated follow-through operation with the service management system via the computer network connection ("wireless communication network").

Regarding claim 30

Waytena teaches the mediation system includes a data packet client and a computer-telephone interface client (see col. 6 lines 1-15); the data packet network includes a data packet server (see col. 5 lines 33-58); and the voice network includes a computer-telephone interface client sever and an interactive voice response system connected to the computer-telephone interface (see col. 6 lines 31-53).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.** Responses may also be faxed to the **official fax number (571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

March 13, 2006